

DX-13



Texas Health and Human Services Commission

Phil Wilson
Executive Commissioner

Health Facility Licensing Guidance Letter

Number: GL 20-1007
Title: Executive Order GA-15 Licensed Health Care Facilities Certification
Provider Types: Licensed Health Care Facilities
Date Issued: April 17, 2020

1.0 Subject and Purpose

Governor Greg Abbott issued Executive Order GA-09 on March 22, 2020, concerning the postponement of surgeries and procedures in certain circumstances, in response to the state of disaster declared in Texas and the United States of America relating to COVID-19. That order remains in effect and in full force until 11:59 p.m. on April 21, 2020.

Governor Abbott issued Executive Order GA-15 on April 17, 2020, also concerning the postponement of surgeries and procedures in certain circumstances. This letter describes the requirements set forth in Executive Order GA-15, and the responsibilities of licensed health care facilities.

2.0 Executive Order GA-15 Details

Beginning at 11:59 p.m. on April 21, 2020, and continuing until 11:59 p.m. on May 8, 2020, all licensed health care facilities are ordered to postpone all surgeries and procedures that are not medically necessary to diagnose or correct a serious medical condition of, or to preserve the life of, a patient who without timely performance of the surgery or procedure would be at risk for serious adverse medical consequences or death, as determined by the patient's physician.

By its terms, this prohibition in GA-15 does not apply to any surgery or procedure performed in a licensed health care facility that has certified in writing to the Texas Health and Human Services Commission both:

- (1) that it will reserve at least 25% of its hospital capacity for treatment of COVID-19 patients, accounting for the range of clinical severity of COVID-19 patients; and
- (2) that it will not request any personal protective equipment from any public source, whether federal, state, or local, for the duration of the COVID-19 disaster.

2.1 Health Care Facility Certification Submission Requirements:

A licensed health care facility's certification, under GA-15, must be submitted to the Health and Human Services Commission in the form of a letter. The certification letter must:

- Be on the licensed health care facility's letterhead;
- Be addressed to:

Health Facility Licensing Certification Coordinator
Health and Human Services Commission
Health Facility Licensing – MC 1868
P.O. Box 149347
Austin, TX 78714-9347
- Reference the facility's name, license type, and license number in the subject line;
- Identify by name the facility's administrator, director, or other individual with authority to bind the facility;
- Include the following language:
 - I certify, on behalf of *[name of licensed health care facility]*, that this facility will reserve at least 25% of its hospital capacity for treatment of COVID-19 patients, accounting for the range of clinical severity of COVID-19 patients; and
 - I certify, on behalf of *[name of licensed health care facility]*, that this facility will not request any personal protective equipment from any public source, whether federal, state, or local, for the duration of the COVID-19 disaster.
- Not limit or qualify the required certification language in any way;

- Be signed by the facility's administrator, director, or other individual with authority to bind the facility, as identified above; and
- Be submitted to the Health and Human Services Commission via e-mail to HFLCertificationCoordinator@hhsc.state.tx.us.

A licensed health care facility that submits a certification with the required elements, as described above, will receive an acknowledgement via e-mail from the Health and Human Services Commission

3.0 Background/History

Chapter 418 of the Texas Government Code, Emergency Management, authorizes the Governor to declare a state of disaster if a disaster has occurred or the threat or occurrence of a disaster is imminent. See Tex. Gov't Code §418.014. Chapter 418 also authorizes the Governor to issue executive orders and establishes that those orders have the force and effect of law. See Tex. Gov't Code §418.012.

4.0 Resources

Executive Order GA-15: https://gov.texas.gov/uploads/files/press/EO-GA-15_hospital_capacity_COVID-19_TRANS_04-17-2020.pdf

5.0 Contact Information

If you have any questions about this letter, please contact the Policy, Rules and Training Unit by email at HCO_PRT@hhsc.state.tx.us.

If you have any questions about the certification process, please contact HFLCertificationCoordinator@hhsc.state.tx.us.